

REMARKS

This application has been reviewed in light of the Office Action dated September 16, 2003. Claims 1-24 are now pending in this application. Claims 3, 4, 7, 8 and 16-20 have been amended to define still more clearly what Applicants regard as their invention. Claims 21-24 have been added. Claims 1, 2, 5, 6, 9-15, 18 and 21-24 are in independent form. Favorable reconsideration is requested.

Applicants gratefully acknowledge the allowance of Claims 1, 2, 5, 6 and 9-15.

Claims 3, 4, 7, 8, 16, 17, 19 and 20 have been objected to under 37 C.F.R. 1.75(c) as being in improper dependent form for the reason set forth in paragraphs 1 and 2 of the Office Action.

Without conceding to the propriety of the foregoing objection, Claims 3, 4, 7, 8, 16, 17, 19 and 20 have been amended to even further clarify the subject matter, as deemed necessary to overcome the objection. Accordingly, it is believed that the objection has been overcome, and its withdrawal is therefore respectfully requested. Claims 3, 4, 7, 8, 16, 17, 19 and 20 are believed to be in condition for allowance.

The Office Action rejected Claim 18 and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,728,435 (Geis et al.). The Office Action also rejected Claim 20 under 35 U.S.C. § 103(a) as obvious from Geis et al. in view of U.S. Patent No. 4,954,744 (Suzuki et al.).

Applicants submit that amended independent Claims 18-20 are patentably distinct from the proposed combination of the cited prior art relied on by the Examiner, at least for the following reasons.

In accordance with an aspect of the invention to which independent Claim 18 relates, a deposit composed chiefly of carbon has a graphite structure, and one or more elements selected from the group consisting of potassium, sodium, calcium, strontium and barium contained in the deposit increases electric conductivity (see, at least, page 12, lines 17-22 of the specification).

Claim 18 has been amended to recite an electron-emitting device that includes a deposit composed chiefly of carbon including a graphite structure and an electrode electrically connected to the deposit. The deposit contains one or more elements selected from the group consisting of potassium, sodium, calcium, strontium, and barium.

The Office Action states that Geis et al. discloses an electron-emitting device (Figs. 1 and 2) comprising a carbon film along surface 14/16 of Figures 1 and 2 composed chiefly of carbon including a graphite structure (col. 4, lines 15-31) and a cathode 10, wherein lithium is contained in the carbon film (col. 4, lines 32-39). At col. 4, lines 26-39, Geis et al. states that carbon along surface 14/16 preferably consists of diamond, and the diamond can be conductively doped with lithium, nitrogen and/or sulfur.

However, Geis et al. is not seen to teach or suggest an electron-emitting device comprising a deposit composed chiefly of carbon including a graphite structure, wherein one or more elements from the group consisting of potassium, sodium, calcium, strontium, and

barium are contained in the deposit, as set forth in Claim 18. Geis et al. only discloses carbon along surface 14/16 that preferably consists substantially of diamond, which can be doped with lithium (see col. 4, lines 35-39).

Since Geis et al. is not seen to teach or suggest the above-emphasized features of Claim 18, Geis et al. cannot anticipate Claim 18, since it is well-established that, “[a] claim is anticipated only if each and every element as set forth in the claim is found. . . in a single prior reference.” Verdegall Bros. V. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added).

For the foregoing reasons, it is believed that Claim 18 is patentable over Geis et al., and thus withdrawal of the rejection of that claim is respectfully requested.

Independent Claims 19 and 20 recites features substantially similar to those of Claim 18 emphasized above, and also is believed to be patentable over Geis et al., for the same reasons as is Claim 18.

Suzuki et al. is cited in the Office Action to disclose an electron-emitting device having a phosphor layer 8 for emitting visible light.

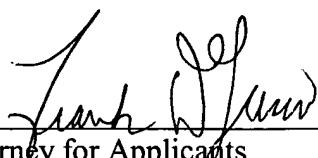
However, nothing in that reference would remedy the deficiencies of Geis et al. as a reference against Claim 20. Accordingly, Claim 20 is deemed clearly patentable over both of those references, whether considered separately or in combination.

Added Claims 21-24 recite features formerly recited in Claims 3/2, 4/3/2, 7/6 and 8/7/6, respectively, and also are believed to be patentable over the prior art relied on by the Examiner for substantially the same reasons as those set forth above.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Attorney for Applicants
Registration No. 42476

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 388164v1